

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION**

Tyler Dwayne Williams,)	
)	
Plaintiff,)	Civil Action No.: 8:13-cv-2670-MGL
)	
-vs-)	
)	
)	Opinion and Order
Dr. Thomas Byrnes,)	
)	
Defendant.)	
_____)	

Plaintiff Tyler Dwayne Williams, an inmate in the custody of the South Carolina Department of Corrections (“SCDC”), proceeding *pro se*, filed this action pursuant to 42 U.S.C. § 1983. This matter is now before the Court on Defendant Thomas Byrnes’ motion for summary judgment which was filed on February 11, 2014 (ECF No. 31.) By order filed on February 18, 2104, pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir.1975), Plaintiff was advised of the applicable procedures and the possible consequences if he failed to respond adequately. (ECF No. 33.) Plaintiff filed no response to Defendants’ motion for summary judgment. (ECF No. 31.) As Plaintiff is proceeding *pro se*, the Court filed a second Order on March 31, 2014, giving Plaintiff through April 21, 2014 to file his response to the motion for summary judgment. (ECF No. 36.) Plaintiff was specifically advised that if he failed to respond, this action would be dismissed for failure to prosecute. Plaintiff once again filed no response to the pending motion for summary judgment.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Jacquelyn D. Austin for pretrial handling. On April 22, 2014, the Magistrate Judge filed a Report and Recommendation in which she recommended that the case be

dismissed for failure to prosecute pursuant to Fed.R.Civ.P. 41(b). (ECF No. 38.) The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. *Mathews v. Weber*, 423 U.S. 261, 270, 96 S.Ct. 549, 46 L.Ed.2d 483 (1976). The Court may accept, reject, or modify, in whole or in part, the Report and Recommendation or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir.2005).

In light of the standards set forth above, the Court has thoroughly reviewed the record and the applicable law. The Court concurs with the Magistrate Judge's recommendation that the case be dismissed pursuant to Fed.R.Civ.P. 41(b) for failure to prosecute.

IT IS SO ORDERED.

s/ Mary G. Lewis
United States District Judge

Spartanburg, South Carolina
May 15, 2014